



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/479,267 01/06/00 UENO

M 073600.P022

EXAMINER

TM02/0716

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ART UNIT

PAPER NUMBER

2652
DATE MAILED:

07/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

09/479,267

Applicant(s)

UENO ET AL.

Examiner

Franklin D. Altman

Art Unit

2652

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --


THE REPLY FILED 09 July 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-4.
- Claim(s) withdrawn from consideration: _____.
8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other:


DAVID L. OMETZ
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant asserts Iwasaki et al is newly of record. Iwasaki et al was cited of record in the first office action as generally relevant and further described in the first office action as materially similar in embodiment 17 of Figure 27 to Aoshima and further noted in the first office action to disclose only a 5% atomic percentage of Cr in a NiFeCr second base layer. Nonetheless, it is the anticipation of Aoshima NiFeCr second base layer of identical atomic percentage of Cr, that Applicant is attempting to overcome. In this endeavor, Applicant asserts that fcc has a specific structure which is according to Applicant independent of orientation. Applicant has failed to explain how the IDENTICAL compound disclosed by Aoshima would have different properties in either fcc structure or orientation vs the SAME COMPOUND of the claimed invention. Until further evidence is presented by Applicant (such as affidavit evidence through comparative testing between Applicant's invention and Aoshima), the Examiner maintains that the NiFeCr film of Aoshima is inherently an fcc with $\langle 111 \rangle$ orientation. Specifically, both Applicant's invention and Aoshima's invention use an NiFeCr film with the same atomic percentage of Cr (24-25%) in substantially the same thickness (3-5 nm) in exactly the same Ta base film (also in substantially the same thickness (3-5 nm)) for the same purpose of improving the MR response in a spin-valve MR head. Anticipation in view of Aoshima is maintained.